

REMARKS

Claims 1, 3, 9 and 11 are pending in this application after entry of the present amendment. Claims 1, 3, 9 and 11 were rejected based on the judicially created doctrine of obviousness-type double patenting over claim 3 of U.S. Patent No. 5,955,427. Claims 1, 3, 9 and 11 were also rejected under 35 U.S.C. § 102(a) based upon McGregor et al. U.S. Patent No. 5,955,427 and under 35 U.S.C. § 102(b) based upon McGregor et al. U.S. Patent No. 5,488,034. Claims 2 and 4 were allowed by the August 13, 2003 Office Action.

Claims 1 and 9 have been amended so as to include the subject matter of allowed claim 2, and claims 2 and 4 have been cancelled in favor of the amendment to claim 1. Claims 1 and 9, as amended, state that the claimed compositions comprise EDTA. In view of the allowance of claims 2 and 4, Applicants submit that claims 1 and 9 as amended, as well as the claims which depend from them, are allowable. Applicants make this amendment to advance prosecution and reserve the right to pursue additional claims, including claims as originally filed, in one or more timely filed continuing applications.

In view of the foregoing amendments and remarks, Applicant requests allowance of claims 1, 3, 9 and 11. The Examiner is invited to telephone the undersigned to discuss any questions or be of any assistance to the Examiner in the reconsideration and allowance of this case.

Respectfully submitted,



Janet M. McNicholas, Ph.D.
Reg. No. 32,918
Michael B. Harlin
Reg. No. 43,658

Dated: February 13, 2004

McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100